

AMENDED IN ASSEMBLY JUNE 22, 2005

AMENDED IN ASSEMBLY JUNE 14, 2005

AMENDED IN SENATE MAY 11, 2005

AMENDED IN SENATE APRIL 12, 2005

SENATE BILL

No. 283

Introduced by Senator Maldonado

February 16, 2005

An act to add Section 97 to, and to add and repeal Section 97.5 of, the Streets and Highways Code, and to add Section 42010 to the Vehicle Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 283, as amended, Maldonado. Safety Enhancement-Double Fine Zones.

Existing law vests with the Department of Transportation, full possession and control of the state highway system. Under existing law, until January 1, 2006, a specified state highway segment has been designated as a Safety Enhancement-Double Fine Zone that is subject to rules and regulations, as specified, adopted by the department pertaining to those zones.

This bill would specify standards for Safety Enhancement-Double Fine Zones and would designate, until January 1, 2010, a specified segment of State Highway Route 101 and County Road 16 in Monterey County as Safety Enhancement-Double Fine Zones. The bill would also require the Department of Transportation to prepare an evaluation on ~~each~~ designated Safety Enhancement-Double Fine ~~Zone~~ *Zones* and submit a report to the Legislature. The bill would impose an increased penalty for certain traffic violations committed in a

Safety Enhanced-Double Fine Zone. Because the bill would require Monterey County, in part, to administer the county road zone, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 97 is added to the Streets and Highways
2 Code, to read:

3 97. (a) In order to be designated by statute as a Safety
4 Enhancement-Double Fine Zone, a highway or road segment
5 shall have experienced a significant number of traffic accidents,
6 injuries, and fatalities within the prior three-year period, and
7 other traffic safety measures that have been undertaken shall
8 have not appreciably reduced the level of those incidents.

9 (b) The concurrence in the designation of the Department of
10 the California Highway Patrol or local agency having traffic
11 enforcement jurisdiction, as the case may be, shall be required
12 prior to designation of the zone pursuant to statute, along with a
13 resolution supporting the designation from the city, or county
14 with respect to an unincorporated area, in which the segment is
15 located.

16 (c) Each local governing body where a double fine zone is
17 designated by statute in its jurisdiction shall, prior to the
18 establishment of a double fine zone, do the following:

19 (1) Undertake a public awareness campaign to inform the
20 public of the double fine zone designation, where it is located, its
21 purpose, and its consequences.

22 (2) Where appropriate, increased traffic safety enhancements,
23 enforcement, and other roadway safety measures shall be
24 implemented in coordination with the establishment of the
25 double fine zone.

1 (d) A Safety Enhancement-Double Fine Zone is subject to the
2 rules and regulations adopted by the department prescribing
3 uniform standards for warning signs to notify motorists that,
4 pursuant to Section 42010 of the Vehicle Code, increased
5 penalties apply for traffic violations that are committed within a
6 Safety Enhancement-Double Fine Zone.

7 (e) The department or the local authority having jurisdiction
8 over these highway and road segments shall place and maintain
9 the warning signs identifying these segments by stating that a
10 “Special Safety Zone Region Begins Here” and a “Special Safety
11 Zone Ends Here.” The department shall adopt rules and
12 regulations for the administration of a Safety
13 Enhancement-Double Fine Zone under this section.

14 (f) Safety Enhancement-Double Fine Zones do not increase
15 the civil liability of the state or local authority having jurisdiction
16 over the highway segment under Division 3.6 (commencing with
17 Section 810) of Title 1 of the Government Code or any other
18 provision of law relating to civil liability.

19 (1) Only the base fine shall be enhanced pursuant to this
20 section.

21 (2) Notwithstanding any other provision of law, any additional
22 penalty, forfeiture, or assessment imposed by any other statute
23 shall be based on the amount of the base fine before enhancement
24 or doubling and shall not be based on the amount of the enhanced
25 fine imposed pursuant to this section.

26 (g) The projects specified as a Safety Enhancement-Double
27 Fine Zone shall not be elevated in priority for state funding
28 purposes.

29 (h) The term for a Safety Enhancement-Double Fine Zone
30 shall be limited to four years.

31 ~~(i) One year prior to the termination of each double fine zone,~~
32 ~~the Department of Transportation shall conduct an evaluation of~~
33 ~~the effectiveness of the double fine zone and submit its findings~~
34 ~~in a report to the Assembly Committee on Transportation and the~~
35 ~~Senate Committee on Transportation and Housing that shall~~
36 ~~include a recommendation on whether the zone should be~~
37 ~~reauthorized by the Legislature.~~

38 *(i) The Department of Transportation shall conduct an*
39 *evaluation of the effectiveness of all double fine zones that will*
40 *terminate the same calendar year and submit its findings in one*

1 *report to the Assembly Committee on Transportation and the*
2 *Senate Committee on Transportation and Housing one year prior*
3 *to the termination of the double fine zones. The report shall*
4 *include a recommendation on whether the zones should be*
5 *reauthorized by the Legislature.*

6 SEC. 2. Section 97.5 is added to the Streets and Highways
7 Code, to read:

8 97.5. (a) The following state highway and county road
9 segments are Safety Enhancement-Double Fine Zones:

10 (1) The segment of State Highway Route 101, between the
11 junction with Boronda Road and the San Benito-Monterey
12 County line.

13 (2) The segment of County Road 16, also known as Carmel
14 Valley Road, between the junction with State Highway Route 1
15 and the junction with Camp Stefani Road.

16 (b) This section shall remain in effect only until January 1,
17 2010, and as of that date is repealed, unless a later enacted
18 statute, that is enacted before January 1, 2010, deletes or extends
19 that date.

20 SEC. 3. Section 42010 is added to the Vehicle Code, to read:

21 42010. (a) For any offense specified in subdivision (b) that is
22 committed by the driver of a vehicle within an area that has been
23 designated as a Safety Enhancement-Double Fine Zone pursuant
24 to Section 97 and following of the Streets and Highways Code,
25 the fine in a misdemeanor case, shall be double the amount
26 otherwise prescribed, and in an infraction case, the fine shall be
27 one category higher than the penalty otherwise prescribed by the
28 uniform traffic penalty schedule established pursuant to Section
29 40310.

30 (b) A violation of any of the following provisions is an offense
31 that is subject to subdivision (a):

32 (1) Chapter 3 (commencing with Section 21650) of Division
33 11, relating to driving, overtaking, and passing.

34 (2) Chapter 7 (commencing with Section 22348) of Division
35 11, relating to speed limits.

36 (3) Section 23103, relating to reckless driving.

37 (4) Section 23104, relating to reckless driving that results in
38 bodily injury to another.

39 (5) Section 23109, relating to speed contests.

1 (6) Section 23152, relating to driving-under-the-influence of
2 alcohol or a controlled substance, or Section 23103, as specified
3 in Section 23103.5, relating to alcohol-related reckless driving.

4 (7) Section 23153, relating to driving-under-the-influence of
5 alcohol or a controlled substance, that results in bodily injury to
6 another.

7 (8) Section 23220, relating to drinking while driving.

8 (9) Section 23221, relating to drinking in a motor vehicle
9 while on the highway.

10 (10) Section 23222, relating to driving while possessing an
11 open alcoholic beverage container.

12 (11) Section 23223, relating to being in a vehicle on the
13 highway while possessing an open alcoholic beverage container.

14 (12) Section 23224, relating to being a driver or passenger
15 under the age of 21 possessing an open alcoholic beverage
16 container.

17 (13) Section 23225, relating to being the owner or driver of a
18 vehicle in which there is an open alcoholic beverage container.

19 (14) Section 23226, relating to being a passenger in a vehicle
20 in which there is an open alcoholic beverage container.

21 (c) This section applies only when traffic controls or warning
22 signs have been placed pursuant to Section 97 of the Streets and
23 Highways Code.

24 (d) (1) Notwithstanding any other provision of law, the
25 enhanced fine imposed pursuant to this section shall be based
26 only on the base fine imposed for the underlying offense and
27 shall not include any other enhancements imposed pursuant to
28 law.

29 (2) Notwithstanding any other provision of law, any additional
30 penalty, forfeiture, or assessment imposed by any other statute
31 shall be based on the amount of the base fine before enhancement
32 or doubling and shall not be based on the amount of the enhanced
33 fine imposed pursuant to this section.

34 SEC. 4. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district are the result of a program for which legislative authority
38 was requested by that local agency or school district, within the

- 1 meaning of Section 17556 of the Government Code and Section
- 2 6 of Article XIII B of the California Constitution.

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